

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

**Vote No. 21**

March 5, 1998, 10:40 am  
Page S-1386 Temp. Record

## HIGHWAY REAUTHORIZATION (ISTEA)/Alcohol Open Container Ban

**SUBJECT:** Intermodal Surface Transportation Efficiency Act of 1997 . . . S. 1173. Dorgan amendment No. 1697 to the committee modified substitute amendment.

### ACTION: AMENDMENT AGREED TO, 52-47

**SYNOPSIS:** As reported, S. 1173, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1997, will reauthorize for 6 years the Federal-aid highway, highway safety, and other surface transportation programs. A total of \$145 billion will be authorized, which represents a 20-percent nominal and 5-percent real increase over the previous 6-year authorization. (Due to a filibuster, S. 1171 was returned to the calendar last year, and Congress passed S. 1519 to provide a 6-month extension of the highway bill instead.)

The committee modified substitute amendment would make changes to correct certain technical violations of the Budget Act. (Initially, the bill had been reported with technical amendments; when the bill was under consideration last year (see 105th Congress, 1st session, vote Nos. 271-272, 275, 277-278, and 282), those amendments were consolidated by unanimous consent into a single perfecting amendment. When the Senate resume debate on the bill this year, the amendment was modified to be a substitute amendment, and other pending amendments that filled parliamentary openings for offering amendments were withdrawn.)

**The Dorgan amendment** would penalize any State that did not pass and enforce a law that prohibited consuming alcoholic beverages or having open containers of alcoholic beverages in motor vehicles. The ban would have to apply to both drivers and passengers. The ban would not have to apply to railway passengers or to commercial vehicle passengers who were being brought to their lodgings. A State that did not adopt such a law by fiscal year (FY) 2002 would lose 5 percent of its FY 2002 highway apportionment funds, and would lose 10 percent of such funds for each subsequent fiscal year it failed to have in place such a law. If a State had funds reduced in FY 2002, and then came into compliance before the end of the fiscal year, it would receive any of the withheld funds that remained available.

(See other side)

YEAS (52)			NAYS (47)			NOT VOTING (0)	
Republicans (14 or 26%)	Democrats (38 or 84%)		Republicans (40 or 74%)	Democrats (7 or 16%)		Republicans (0)	Democrats (0)
Chafee	Akaka	Kennedy	Abraham	Hutchinson	Baucus		
Coats	Biden	Kerrey	Allard	Hutchison	Breaux		
D'Amato	Bingaman	Kerry	Ashcroft	Inhofe	Feingold		
DeWine	Boxer	Kohl	Bennett	Jeffords	Ford		
Domenici	Bryan	Lautenberg	Bond	Kempthorne	Graham		
Faircloth	Bumpers	Levin	Brownback	Kyl	Landrieu		
Gorton	Byrd	Lieberman	Burns	Lott	Leahy		
Hatch	Cleland	Mikulski	Campbell	Mack			
Lugar	Conrad	Moseley-Braun	Cochran	McConnell			
Murkowski	Daschle	Moynihan	Collins	Nickles			
Smith, Gordon	Dodd	Murray	Coverdell	Roberts			
Specter	Dorgan	Reed	Craig	Roth			
Stevens	Durbin	Reid	Enzi	Santorum			
Warner	Feinstein	Robb	Frist	Sessions			
	Glenn	Rockefeller	Gramm	Shelby			
	Harkin	Sarbanes	Grams	Smith, Bob			
	Hollings	Torricelli	Grassley	Snowe			
	Inouye	Wellstone	Gregg	Thomas			
	Johnson	Wyden	Hagel	Thompson			
			Helms	Thurmond			

#### VOTING PRESENT(1)

McCain

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

**Those favoring** the amendment contended:

In 22 States in America it is legal for passengers in an automobile to drink alcohol. In 5 States, it is actually even legal for the drivers of automobiles to be drinking while they drive. In those States, people are legally allowed to roar down the interstate with the steering wheel in one hand and a whiskey bottle in the other. Common sense tells us that no one, whether a driver or a passenger, should be allowed to drink while travelling on a public road in a 3,000 pound vehicle. The Dorgan amendment would put a stop to this outrageous practice. It would require States to adopt laws against having open containers of alcohol in cars, and it would impose stiff penalties on any States that did not comply. Of course, no State would fail to comply--the penalties would be much too severe. We know that many Senators will vote against this amendment because they do not believe that the Federal Government should interfere with State laws. We respect their opinion, but for us the greater concern is stopping people from drinking while driving on our Nation's highways. When we offered this amendment 3 years ago it was narrowly defeated. We are hopeful that opinion has shifted enough that it will pass today. We strongly urge our colleagues to vote in favor of this amendment.

**No arguments were expressed in opposition to the amendment.**